CONSTITUTION AND BYLAWS

OF THE

THREE AFFILIATED TRIBES

OF THE

FORT BERTHOLD RESERVATION

PREAMBLE

We, the Arickara, Gros Ventres, and Mandan Indians of the Fort Berthold Reservation, in North Dakota, eagerly embrace the opportunities for self-rule, and in order to enjoy the blessings of liberty and justice; to intelligently protect our vested rights under existing treaties and the constitution of the United States; to guarantee to our posterity a more hopeful future; to preserve and develop our real estate and resources; to promote educational efficiency for the enhancement of good citizenship; to promote the general welfare of the three tribes; to make possible a more hopeful, self-sustaining, and honorable living, socially and economically, do with deep consciousness of God, as our sovereign, ordain and establish this constitution for the Three Affiliated Tribes of this reservation.

ARTICLE I - TERRITORY

See Amendment VIII

The jurisdiction of the Three Affiliated Tribes of the Fort Berthold Reservation shall extend to Indian Trust and Tribal lands within the confines of the Fort Berthold Reservation, as defined in the treaty of September 17, 1851; to lieu lands outside of such boundaries; and to such other lands, within or without such boundaries, as have been or may be hereafter added thereto under any law of the United States, except as otherwise provided by law.

ARTICLE II - MEMBERSHIP

(Section 1 changed in its entirety by Amendment No. VI, effective December 12, 1975)

Section 1. Membership. The membership of the Three Affiliated Tribes of the Fort Berthold Reservation shall consist of:

(a) All persons whose names appear on the membership of the Tribes as of October 2, 1974.

(b) Any persons born before the effective date of this amendment and to any member of the Tribes who was a resident of the reservation at the time of birth of said person.

(c) All persons of at least 1/4 degree Indian blood of a federally recognized tribe provided at least 1/8 Indian blood be of the Gros Ventre, Mandan and/or Arickara Tribes.

(New Section 2 added by Amendment No. VII, effective December 12, 1975)

Section 2. Dual Enrollment.

(a) Persons enrolled with another tribe and who have received benefits from such tribe in the form of land or payments shall not be eligible for enrollment with the Three Affiliated Tribes of the Fort Berthold Reservation, provided that inherited interests shall not be considered as being benefits.

(b) A person eligible for membership with the Three Affiliated Tribes of the Fort Berthold Reservation and another tribe shall relinquish whatever rights of membership he may hold in the other tribe as a condition to his enrollment with the Three Affiliated Tribes of the Fort Berthold Reservation.

Section 3. The Tribal Business Council shall have power to promulgate ordinances, subject to review by the Secretary of the Interior, governing future membership, the adoption of new members and the revision of the membership rolls from time to time as determined by such ordinances. (Formerly Section 2 - Changed to Section 3 by Amendment No. VI, effective December 12, 1975)

ARTICLE III - GOVERNING BODY

Section 1. The governing body of the Three Affiliated Tribes of the Fort Berthold Reservation shall be known as the Tribal Business Council.

Section 2.(a). The Tribal Business Council shall consist of a Chairman elected at large and ten (10) members elected on an at large basis to represent segments of the reservation as follows:

Western Segment	3 Representatives
Northern Segment	1 Representative
Northeastern Segment	1 Representative
Eastern Segment	3 Representatives
Southern Segment	2 Representatives

(New Section 2 added by Amendment I, effective October 16, 1956, which was further amended by Amendment No. III, effective September 10, 1974)

SECTION 2(b). While candidates for each of the ten (10) council member positions (representatives) must qualify on the basis of the segment they propose to represent, they, as well as candidates for the office of chairman, shall be subject to an election open to all qualified voters on a reservation-wide basis, including those entitled to vote by absentee ballot.

In segments where there are three (3) representatives, the three (3) qualified candidates from each such segment receiving the highest number of votes shall be declared elected.

In the segment where there are two (2) representatives, the two (2) qualified candidates receiving the highest number of votes shall be declared elected.

In segments where there is only one (1) representative, the one (1) qualified candidate from each such segment receiving the highest number of votes shall be declared elected.

(Added Section 2(b) by Amendment No. III, effective September 10, 1974)

SECTION 2(c). The Chairman of the Tribal Business Council shall be elected at large by a majority of all votes cast for the office of chairman. If no candidate for chairman receives a majority of the votes cast for that office at the general election, a special run-off election shall be held between the two (2) candidates which received the highest number of votes at the general election. The candidate receiving the highest number of votes at the special run-off election shall be declared elected as chairman.

(Added Section 2(c) by Amendment No. III, effective September 10, 1974)

ALTHOUGH THE ORIGINAL BOUNDARY DESCRIPTIONS HAVE BEEN CHANGED, THEY ARE SHOWN HERE FOR INFORMATION PURPOSES (SECTION 3 WAS CHANGED IN ITS ENTIRETY, SEE ATTACHED AMENDMENT NO. I, EFFECTIVE OCTOBER 16, 1956, AND FURTHER AMENDED SEPTEMBER 1, 1970, SEE SECTION 4 BELOW)

SEC. 3. For the first election of a Tribal Business Council, and until otherwise changed as provided herein, the boundaries of the communities shall be described as follows:

Nishu. - That part of the Reservation east of the Torrie Road and north of the Missouri River, to the Reservation line north and east.

Elbowoods. - West of the Nishu community, north and east of the Missouri River, and south of township 149 north. Ranges 89, 90, and 91 west.

Santee. - Township 149 north and ranges 89 and 90 west.

Shell Creek. - Township 150 north and ranges 90, 91, 92, and 93 west, lying north and east of the Missouri River.

Independence. - That part of the Reservation lying west of the Missouri River and north of the Little Missouri River.

Little Missouri-Red Butte. - That part of the Reservation lying south and east of the Little Missouri River and extending eastward to a north and south line running through the Antelope Woman place.

Beaver Creek. - That part of the Reservation south of the Missouri River, the west boundary being a north and south line running through the Antelope Woman place, and extending eastward to the southeast corner of the Reservation.

SECTION 4. The Tribal Business Council shall have authority to change the community boundaries, subject to the approval of the voters of the Reservation at any regular or special election. (The boundary description of the communities (segments) as amended by referendum vote September 1, 1970, Resolution No. 70-89, are attached)

SECTION 5. Within three (3) days after the installation of the successful candidates for council positions elected at the general election, the newly constituted Tribal Business Council shall meet and organize by electing a vice-chairman, a secretary, and a treasurer from its own members; and from within or outside its own members, it may elect or appoint a sergeant-at-arms and such other officers and committees as it may find necessary. (This section changed by Amendment No. I, effective October 16, 1956 and further amended by Amendment No. III, effective September 10, 1974.)

SECTION 6. The members of the Tribal Business Council shall hold office until the next regular election and until their successors are elected or appointed and qualified. (Amended by Amendment No. I, effective October 16, 1956)

ARTICLE IV - NOMINATIONS AND ELECTIONS

SECTION 1. All elections shall be by secret ballot.

SECTION 2(a). Any member of the Three Affiliated Tribes of the Fort Berthold Reservation, who is eighteen (18) years of age or over, shall be eligible to vote at any tribal election. (This section amended by Amendment No. I, effective October 16, 1956, and further amended by Amendment No. IV, effective September 10, 1974)

SECTION 2(b). Absentee ballots will be furnished to any enrolled non-resident member of the tribes upon request to the tribal secretary made ten (10) days before the election. The ballot must be returned to and reach the tribal secretary on or before the date of the election in order that it may be counted. (New Section added by Amendment No. I, effective October 16, 1956.)

SECTION 3(a). The regular election to fill all vacancies on the Tribal Business Council shall be held on the third Tuesday of September in even numbered years, or, in the event the election cannot be held on said date, on a date designated by the Tribal Business Council which shall be within thirty (30) days of the date heretofore specified.

At the September 1974 election the five (5) candidates elected receiving the highest number of votes and the successful candidate for chairman shall serve four-year terms, or until their successors are duly elected and installed.

In cases of a tie between elected candidates, those tied candidates shall draw straws in a special lottery conducted by the tribal election board to determine which elected candidate shall serve a four-year term. The remaining five (5) candidates elected to the Tribal Business Council shall serve two-year terms. Thereafter, five (5) representatives shall be elected every second year to serve four-year terms. The term of office for chairman shall expire in 1978 and every four (4) years thereafter. In each instance, the above officials shall serve for the specified term or until their successors are duly elected and installed, unless earlier removed from office.

In case of a tie vote for any position on the Tribal Business Council such that the qualified representative, or representatives, from that particular segment is, or are, not elected, a special run-off election shall be held between the tied candidates for that position on the Tribal Business Council, in which all qualified voting members of the Three Affiliated Tribes shall be eligible to vote. The candidate or candidates receiving the highest number of votes in the special run-off election shall, in order of vote, be declared elected to fill the vacant position or positions on the Tribal Business Council.

In the case of a tie vote in two (2) consecutive special run-off elections held between the same tied candidates for a particular position on the Tribal Business Council, those candidates shall draw straws in a special lottery conducted by the tribal election board to determine which candidates shall fill the position on the Tribal Business Council. (Section 3(a) amended by Amendment No. I, effective October 16, 1956 and amended in its entirety by Amendment No. III, effective September 10, 1974.)

SECTION 3(b). Notice of regular elections shall be given by the secretary of the Tribal Business Council who shall give to all enrolled members of the tribe, thirty (30) days notice of the time and place of the regular election. In the event the tribal secretary shall fail to give the appropriate notice, or in case a regular election has not been held, the Secretary of the Interior, upon the receipt of a petition signed by at least thirty (30) percent of the adult members of the tribe, shall call such election and give twenty-five (25) days notice, setting the time and place. (Addition to Section 3 by Amendment No. I, effective October 16, 1956)

SECTION 4. Special elections may be called by a two-thirds vote of the Tribal Business Council in favor of such special election, or by a petition signed by at least 10 percent of the qualified voters of each community as provided in Article VIII.

SECTION 5. All elections shall be held under the supervision of the Tribal Business Council or an election board appointed by that Council, and the Tribal Business Council or the election board appointed by it, shall make rules and regulations governing all elections, and shall designate the polling places and the election officers.

SECTION 6. In the first election after the adoption of this amendment any qualified voter of the Three Affiliated Tribes of the Fort Berthold Reservation who is a bona fide resident of one of the segments described herein may become a candidate to represent said segment on the Tribal Business Council by filing a notice of his candidacy with the Secretary of the Tribal Business Council at least fifteen (15) days before the election in which he is to be a candidate. In all succeeding elections a qualified voter to be eligible to become a candidate must have resided in the segment he proposes to represent for a period of at least six (6) months next preceding the date of the election. At least ten (10) days before the election, the Secretary of the Tribal Business Council shall post the names of all candidates in each voting community. In the event that any community has no qualified candidate, as provided herein, such community may nominate one or more candidates by petition, signed by at least ten (10) qualified voters of such community. (Amended by Amendment No. I, effective October 16, 1956)

Any qualified voter of the Three Affiliated Tribes of the Fort Berthold Reservation who is a bona fide resident of one of the segments described herein may become a candidate for the office of tribal chairman by filing a notice of candidacy with the Secretary of the Tribal Business Council at least fifteen (15) days before the election in which he is to be a candidate. (New paragraph added to Section 6 by Amendment No. III, effective September 10, 1974)

ARTICLE V - VACANCIES AND REMOVAL FROM OFFICE

SECTION 1. If a council member or officer shall die, resign, or be permanently removed from the reservation, or be removed from office for cause, the council shall have full authority to appoint a qualified tribal member from the segment where the vacancy occurs to serve the unexpired term of said member or office.

However, in case the chairman's position becomes vacant due to the chairman's death, resignation, permanent removal from the reservation or removal from office for cause, the unexpired term of the chairman shall be filled by a member of the council, selected by a majority vote of the council.

In that instance, the council shall promptly appoint, as herein provided, to fill the vacancy created by a council member assuming the chairman's position. (As changed by Amendment No. III, effective September 10, 1974)

SECTION 2.· The Tribal Business Council may expel a member for cause by seven or more members voting for such expulsion, but before any vote is taken on the matter, such member shall be given an opportunity to answer any and all charges at a designated meeting of the Council, and the decision of the Tribal Business Council shall be final as to the expulsion or retention of such member.

ARTICLE VI - POWERS

See Amendment VIII

SECTION 1. The Three Affiliated Tribes of the Fort Berthold Reservation, acting through their Tribal Business Council shall have the powers enumerated in this Article, but any power exercised through that council shall be subject to a popular referendum as provided in this Constitution.

SECTION 2. The exercise of the powers enumerated in this Constitution is subject to any limitations imposed by the Statutes of the United States or the Constitution of the United States, and to all express restrictions upon such powers contained in this Constitution and Bylaws.

SECTION 3. The powers enumerated in this Section 3 shall be subject to the approval of the Secretary of the Interior, and may be exercised through the Tribal Business Council which shall have the power, subject to popular referendum as provided in Article VIII of this Constitution:

(a) To present and prosecute any claims or demands of the Three Affiliated Tribes, and to assist members of the Three Affiliated Tribes in presenting their claims or grievances before any court or agency of government, and to employ attorneys of record or representatives for such services, and to determine their fees.

(b) To promulgate ordinances governing law enforcement on the reservation, and to set up courts for the trial and punishment of offenders against such ordinances in cases which do not come within the jurisdiction of the federal courts exclusively.

(c) To promulgate ordinances and to adopt rules and regulations and codes for the regulation of the domestic relations of members, and governing marriages, divorce, legitimacy, adoption, the care of dependents, the punishment of offenses against the marriage relationship, and the issuance of licenses and decrees of divorce; all of the matters enumerated in this section to be administered by the Tribal Business Council through a reservation or trial court, except such of these matters as the Tribal Business Council may by ordinance or resolution leave to state laws and courts.

(d) To remove or exclude from the limits of the reservation, non-members of the tribe, excepting authorized government officials and other persons now occupying reservation lands under lawful authority, and to prescribe appropriate rules and regulations governing such removal and exclusion, and governing the conditions under which nonmembers of the tribe may come upon tribal lands or have dealings with the tribal members; and to levy taxes or license fees on nonmembers doing business within the reservation, such acts to be consistent with Federal laws governing trade with Indian Tribes.

SECTION 4. Any resolution or ordinance which, by the terms of this Constitution, is subject to review by the Secretary of the Interior shall be presented to the Superintendent of the Fort Berthold Reservation, who shall, within 10 days thereafter, approve or disapprove the same.

If the Superintendent shall approve any ordinance or resolution, it shall thereupon become effective, but the Superintendent shall transmit a copy of the same, bearing his endorsement, to the Secretary of the Interior, who may within 90 days from the date of enactment, rescind the said ordinance or resolution for any cause, by notifying the Tribal Business Council of his veto.

If the Superintendent shall refuse to approve any resolution or ordinance submitted to him within 10 days after its enactment, he shall advise the Tribal Business Council of his reasons therefor. If these reasons appear to the Council insufficient, it may by a majority vote, refer the resolution or ordinance to the Secretary of the Interior, who may, within 90 days of its enactment, approve the same in writing, whereupon the said ordinance or resolution shall become effective.

SECTION 5. The Tribal Business Council shall have the following powers, the exercise of which shall be subject to popular referendum as hereinafter provided in this Constitution.

(a) To manage all economic affairs and enterprises of the Three Affiliated Tribes of the Fort Berthold Reservation in accordance with the terms of a charter to be issued to them by the Secretary of the Interior.

(b) To create and maintain a Tribal Business Council Fund by accepting grants or donations from any person, State, or the United States, or by income from the tribal enterprises, or by levying assessments of not less than 10 cents and not to exceed $1 per year per capita on the qualified voters of the Three Affiliated Tribes, and to require the performance of labor in lieu thereof, provided the payment of such per capita levy shall be made before any person shall vote in any election held more than 6 months after the date of said levy.

(c) To administer any funds or property within the exclusive control of the tribe; to make expenditures from available tribal funds for public purposes of the tribe, including salaries or other remuneration of tribal officials or employees. Such salaries or remuneration shall be paid only for services actually rendered. All expenditures from the Tribal Business Council fund shall be by resolution duly passed by the Council to such effect, and the amounts so paid shall be matters of public record at all times.

(d) To negotiate with the Federal, State and local governments on behalf of the tribe, and to advise and consult with the representatives of the Interior Department on all activities of that department that may affect the Fort Berthold Reservation.

(e) Stricken by Amendment No. II, effective December 22, 1961.

(f) To advise the Secretary of the Interior with regard to all appropriation estimates or Federal projects for the benefit of the Three Affiliated Tribes prior to the submission of such estimates or projects to the Bureau of the Budget and to Congress.

(g) To purchase land of members of the organization under condemnation proceedings in courts of competent jurisdiction.

(h) To regulate the inheritance of real and personal property, other than allotted lands, within the territory of their jurisdiction.

(i) To make assignments and leases of tribal lands, and otherwise to manage tribal lands, interests in tribal lands, and property upon such lands, in conformity with Article IX of this Constitution.

See Amendment VIII

(j) To protect and preserve the property, wildlife, and natural resources of the tribes; to regulate hunting and fishing on tribal lands; and to cultivate and preserve native arts, crafts, culture, ceremonials, and traditions.

(k) To make recommendations to the Superintendent of the Fort Berthold Agency, the Commissioner of Indian Affairs, or the Secretary of the Interior, concerning the appointment and removal of employees assigned to duty on the Fort Berthold Reservation.

(l) To adopt resolutions regulating the procedure of the Tribal Business Council and other tribal agencies and tribal officials of the Reservation.

SECTION 6. Likewise subject to popular referendum, the Tribal Business Council may exercise such further powers as may in the future be delegated to the Three Affiliated Tribes of the Fort Berthold Reservation by the Secretary of the Interior or by any other duly authorized official or agency of government.

SECTION 7. Any rights and powers heretofore vested in the three tribes of the Fort Berthold Reservation, but not expressly referred to in this Constitution, shall not be abridged by this Article, but may be exercised by the people of the Fort Berthold Reservation through the adoption of appropriate bylaws and constitutional amendments.

(NO ARTICLE VII)

ARTICLE VIII - REFERENDUM

Upon a petition signed by at least 10 percent of the qualified voters of each community, demanding a referendum on any proposed or enacted ordinance or resolution of the Tribal Business Council, the council shall call an election and the vote of a majority of the qualified voters voting in such referendum shall be binding upon the Tribal Business Council, provided that at least 30 percent of the eligible voters shall vote in such referendum.

ARTICLE IX - LAND

(Article IX changed in its entirety by Amendment No. II, effective December 22, 1961)

Section 1. The Tribal Business Council shall have authority to manage and lease or otherwise deal with tribal lands and resources in accordance with law and to prevent the sale, disposition, lease or encumbrance of tribal lands, interest in lands, or other tribal assets.

Section 2.. Tribal lands. The unallotted lands of the Fort Berthold Indian Reservation and all lands which may hereafter be acquired by the Three Affiliated Tribes or by the United States in trust for the Three Affiliated Tribes, shall be held as tribal lands and no part of such land shall be mortgaged, sold, or ceded, except as permitted by law and then only with the consent and approval of the Secretary of the Interior. Tribal land shall not be allotted to individual Indians but may be assigned to members of the Three Affiliated Tribes, or leased, or otherwise used by the tribe as hereinafter provided.

Section 3. Leasing of Tribal land - (a) Tribal land may be leased by the Tribal Business Council, with the approval of the Secretary of the Interior, for such periods as permitted by law. (b) Grazing permits covering tribal lands may be issued by the Tribal Business Council, with the approval of the Secretary of the Interior, for such periods of time as permitted by law.

Section 4. Assignments of Tribal Land - (a) The Tribal Business Council may by ordinance, approved by the Secretary of the Interior, provide for granting and tenure of assignments of tribal land to members of the tribe. (b) Any member of the tribe who owns an allotment or any share of heirship land or patent-in-fee land may voluntarily transfer his interest in such land to the tribe in exchange for an assignment to the same land or for other land of a proportionate share in other tribal assets.

Section 5. Use of Unassigned Tribal Land - Tribal land which is not leased or assigned, including tribal timber lands, shall be managed by the Tribal Business Council subject to the approval of the Secretary of the Interior, for the benefit of the members of the tribe.

Section 6. Acquisition of Land by Tribe - The Tribal Business Council of the Three Affiliated Tribes is hereby authorized and empowered to acquire by purchase, exchange of tribal land, relinquishment, or otherwise any lands or interests in land for and on behalf of the Three Affiliated Tribes under such terms as may be agreed upon provided the acquisition is approved by the Secretary of the Interior.

ARTICLE X - AMENDMENTS

This Constitution and Bylaws may be amended by a majority vote of the qualified voters of the tribe voting at an election called for that purpose by the Secretary of the Interior, provided that at least thirty (30) percent of those entitled to vote shall vote in such election; but no amendment shall become effective until it shall have been approved by the Secretary of the Interior. It shall be the duty of the Secretary of the Interior to call an election on any proposed amendment when requested by a two-thirds (2/3) vote of the Tribal Council, or upon presentation of a petition signed by one-third (1/3) of the qualified voters.

BYLAWS

OF THE

THREE AFFILIATED TRIBES

OF THE

FORT BERTHOLD RESERVATION

ARTICLE I - DUTIES OF OFFICERS

SECTION 1. The Chairman of the Tribal Business Council shall preside at all meetings of the council and direct the work of its officers. He shall appoint, subject to the approval of the council, such standing committees and special committees and other officers as the business of the tribe may require.

In the absence of the chairman from any regular council meeting or any special meeting regularly called, the vice chairman shall preside in his place, and he shall have all the privileges, duties, and responsibilities of the chairman in his absence.

SEC. 2. The Secretary of the Tribal Business Council shall conduct all correspondence of the council, shall keep all records, minutes of meetings, and an accurate roll of members by communities. He shall receive all petitions, applications and other papers and prepare them for the action of the council. He shall promptly submit a copy of the minutes of each council meeting to the Superintendent of the agency. He shall perform such other clerical duties relating to the business of the council as it may direct.

SEC. 3. The Treasurer of the Tribal Business Council shall accept, receipt for, keep, and safeguard all funds in the custody of the council, whether they be tribal funds or special funds for which the council is acting as trustee or custodian. He shall deposit all such funds in a bank or elsewhere as directed by the council and shall make and keep a faithful record of such funds, and shall report on all receipts and expenditures and the amount and nature of all funds in his possession or custody to the council at regular meetings and at such other times as requested by the council, his reports to be in writing and matters of record.

He shall not expend or otherwise disburse any funds in his possession or in the possession or custody of the Tribal Business Council except when he is authorized to do so by resolution duly passed by the council. All checks shall be signed by the Treasurer and shall be countersigned by the Chairman of the Tribal Business Council, and all checks issued prior to July 1, 1940, shall be approved by the Superintendent of the reservation.

The books and records of the Treasurer shall be audited at least once each year by a competent auditor employed by the council, and at such other times as the council or the Commissioner of Indian Affairs may direct. The Treasurer shall be required to be under a surety bond satisfactory to the council and to the Commissioner of Indian Affairs.

SEC. 4. The Tribal Business Council, or an election board appointed by it, shall certify to the election of the duly elected council members within 3 days after the election, and the newly elected councilmen who have been certified shall be installed at the first meeting of the Tribal Business Council thereafter, upon subscribing to the oath of office as follows: "I do solemnly swear that I will support and defend the Constitution of the United States and the Constitution and Bylaws of the Three Affiliated

Tribes of the Fort Berthold Reservation, and will faithfully and impartially discharge the duties of councilman to the best of my ability."

SEC. 5. The duties of all appointed committees and officers shall be clearly defined by resolution of the council at the time of their appointment, and such committees and officers shall report from time to time as required by the council, and their activities and decisions shall be subject to review by the council at any time.

ARTICLE II - SALARIES

The Tribal Business Council may prescribe such salaries for council members and tribal officers appointed by the council as it deems advisable, from such funds as may be available, provided that no compensation shall be paid to any tribal officer out of any tribal funds except by resolution duly passed and approved by the council, and subject to popular referendum the same as other powers of the council, and further provided that no compensation shall be paid to any tribal officer out of tribal funds under the control of the Federal Government except upon a resolution stating the amount of the compensation and the nature of the services rendered, and said resolution shall be of no effect until approved by the Secretary of the Interior.

ARTICLE III - MEETING OF COUNCIL

SECTION 1. The regular meetings of the Tribal Business Council shall be held at such place as may be designated by the Tribal Business Council, on the second Thursday of each month. (As amended by Amendment No. V, effective September 10, 1974)

SEC. 2. Special meetings may be called by the Chairman or by any three councilmen who shall notify all members of the council at least twenty-four (24) hours before the time of convening such meeting unless a majority of the council approve a shorter call in an emergency.

SEC. 3. Seven members shall constitute a legal quorum of the Tribal Business Council.

SEC. 4. In the absence of the Chairman and Vice Chairman if a quorum is otherwise present, the Secretary shall act as chairman until a temporary chairman is selected.

SEC. 5. At the first meeting of a newly elected Tribal Business Council, it shall establish by resolution a regular order of business such as: Roll call, reading of minutes of previous meeting, report of Treasurer, report of committees, unfinished business, new business, etc.

ARTICLE IV - ADOPTION OF CONSTITUTION AND BYLAWS

This Constitution and attached Bylaws, when adopted by a majority of the qualified voters of the Arickara, Gros Ventres, and Mandan Tribes of the Fort Berthold Reservation, voting at a special election called by the Secretary of the Interior, in which at least 30 percent of those qualified shall vote, shall be submitted to the Secretary of the Interior for his approval, and shall be in effect from the date of his approval.

CERTIFICATION OF ADOPTION

Pursuant to an order, approved March 11, 1936, by the Secretary of the Interior, the attached Constitution and Bylaws was submitted for ratification to the members of the Arickara, Gros Ventres, and Mandan Tribes of the Fort Berthold Reservation and was on May 15, 1936, duly ratified by a vote of 366 for, and 220 against, in an election in which over 30 percent of those entitled to vote cast their ballots, in accordance with section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the act of June 15, 1935 (49 Stat. 378).

GEORGE W. GRINNELL,
Chairman of Election Board.
AUTHUR MANDAN,
Chairman of Business Council.
PETER H. BEAUCHAMP,
Secretary.

W. R. BEYER, Superintendent.

I, Harold L. Ickes, the Secretary of the Interior of the United States of America, by virtue of the authority granted me by the act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve the attached Constitution and Bylaws of the Three Affiliated Tribes of the Fort Berthold Reservation.

All rules and regulations heretofore promulgated by the Interior Department or by the Office of Indian Affairs, so far as they may be incompatible with any of the provisions of the said Constitution and Bylaws are hereby declared inapplicable to the members of the Three Affiliated Tribes.

All officers and employees of the Interior Department are ordered to abide by the provisions of the said Constitution and Bylaws.

Approval recommended June 3, 1936.

JOHN COLLIER,
Commissioner of Indian Affairs.

HAROLD L. ICKES,
Secretary of the Interior.
(SEAL)

WASHINGTON, D. C., June 29, 1936.

BOUNDARY DESCRIPTIONS
OF SEGMENTS AS
AMENDED BY REFERENDUM VOTE
SEPTEMBER 1, 1970

(ARTICLE III, SECTION 3)

Western: That part of the Reservation starting at a point at the junction of the western boundary of the Reservation with the 48th parallel of north latitude, thence east along the 48th parallel to the thread of the Missouri River channel, thence southerly and easterly along the thread of the Missouri River, to the juncture of the thread of the Little Missouri, thence westerly following the thread of the Little Missouri to its juncture with the western boundary line of the Reservation, thence northerly along that line to the point of beginning.

Northern: That part of the Reservation starting at a point at the junction of the thread of the stream of the Missouri River with the 48th parallel of north latitude, thence southward along the thread of the Missouri River to the thread of the Van Hook Arm, thence northward along the thread of the Van Hook Arm to the thread of Shell Creek, thence northeasterly along the thread of Shell Creek to its junction with the 48th parallel, thence due west along the 48th parallel to the point of beginning.

Northeastern: That part of the Reservation starting at a point at the junction of the thread of the stream of Shell Creek with the 48th parallel, thence southward along the thread of Shell Creek to the thread of the Van Hook Arm, thence southward on the thread of the Van Hook Arm to the thread of the Missouri River, then southward on the thread of the Missouri River to the thread of Deep Water Bay, thence easterly in a line to a point approximately 1-1/2 miles due south of North Dakota Highway Route 37, thence due north to that road and continuing along that highway route to a point intersecting the McLean-Mountrail County line, thence easterly on that line to its juncture with the line that divides ranges 87 and 88 West, thence north on that line to a point at the juncture of the 48th parallel, thence westerly on that parallel to the point of beginning.

Eastern: That part of the Reservation starting at a point approximately 1-1/2 miles due south of North Dakota Route 37, thence westerly to the thread of the Deep Water Bay, thence along that thread to its juncture with the thread of the

Missouri River, thence southerly and easterly along the thread of the Missouri to the extreme southeasterly corner of the Reservation boundary, thence north approximately two miles, thence due west to the line that divides ranges 87 and 88 West, thence north on that line to its juncture with the McLean-Mountrail County line, thence west on that county line to its juncture with Route 37, thence southerly along Route 37 to a point where it curves sharply to the west, thence due south from that point until the point of beginning.

Southern: .That part of the Reservation starting at a point at the confluence of the Missouri and Little Missouri Rivers, thence southwesterly along the stream of the Little Missouri to the southern-most border of the Reservation, thence eastward along that border to a point on that line one mile beyond Beaver Creek Bay, thence in a northeasterly direction to the thread of the stream of the Missouri River, thence northwesterly along that stream to the point of beginning.

United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

WASHINGTON, D.C. 20245

IN REPLY REFER TO:
Tribal Government Services - TR

Through: Aberdeen Area Director

JUN 18 1985

Mr. Leo Brockie, Jr.
Superintendent, Fort Berthold Agency
New Town, North Dakota 58763

Dear Mr. Brockie:

We have received the results of the election held on March 11, 1985, by the qualified voters of the Three Affiliated Tribes of the Fort Berthold Reservation. The election was called in accordance with an order duly approved on November 13, 1984, by the Aberdeen Area Director, which permitted the qualified voters of the tribe to vote on the adoption or rejection of proposed amendments to the constitution. As evidenced by a statement of the election board, proposed Amendment A was duly adopted by the voters. Proposed Amendment B failed adoption.

Because the language in proposed Amendment A, which requires the Secretary to take action to approve or disapprove resolutions or ordinances subject to his approval within ten days of receipt, had the potential for multiple interpretation, the Aberdeen Area Director was instructed by the Deputy Assistant Secretary - Indian Affairs on March 19, 1985, not to approve the amendment until the meaning of the new Section 4 of Article VI was clarified. Resolution No. 85-77-C adopted by the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Reservation concurs with the Bureau's interpretation of Section 4 as set forth in the Aberdeen Area Director's letter of March 22. Proposed Amendment A to the Constitution and Bylaws of the Three Affiliated Tribes of the Fort Berthold Reservation is hereby approved pursuant to the authority delegated to me by 209 D.M. 8 subject to the understanding that "the failure of the Secretary of the Interior or his authorized representative to act within the ten-day period specified in Section 4 of Article VI shall constitute disapproval action. Further, the time limits in 25 U.S.C. 1331 for approval of attorney contracts are not superseded by this amendment. Any tribal enactment subject to Secretarial approval by express requirements of Federal law that are expected to involve extensive research and consideration shall be submitted to the Secretary during the draft stages to eliminate problem areas prior to formal adoption by the tribal governing body."

We have typed Amendment No. VIII and the Certificate of Results of Election in the proper format as required by 25 CFR 81.23. Please have the election board execute the certificate by affixing appropriate signatures. Upon such execution, the approved amendment may be delivered to the tribe.

Sincerely,

Deputy Assistant Secretary -
Indian Affairs

Enclosure

AMENDMENT

CONSTITUTION AND BYLAWS

OF THE

THREE AFFILIATED TRIBES

OF THE

FORT BERTHOLD RESERVATION

Amendment No. VIII

Article I - Jurisdiction of the constitution shall be amended to read:

ARTICLE I - JURISDICTION

The jurisdiction of the Three Affiliated Tribes of the Fort Berthold Reservation shall extend to all persons and all lands, including lands held in fee, within the exterior boundaries of the Fort Berthold Reservation as defined by the Act of March 3, 1891, (26 Stat. 1032) to all lands added to the Fort Berthold Reservation by Executive Order of June 17, 1892; and to such other persons and lands as may hereafter come within the jurisdiction of the Three Affiliated Tribes, except as otherwise provided by law.

Article VI - Powers, sections 1 through 4, shall be amended to read:

ARTICLE VI - POWERS

Section 1. The Three Affiliated Tribes of the Fort Berthold Reservation, acting through their tribal business council, shall have the powers granted by this article; but any power exercised through that council shall be subject to a popular referendum as provided by this constitution.

Section 2. The exercise of the powers granted by this constitution is subject to any limitations imposed by the statutes of the United States or by this constitution and bylaws.

Section 3. The people of the Fort Berthold Reservation hereby grant to the tribal business council of the Three Affiliated Tribes all necessary sovereign authority - legislative and judicial - for the purpose of exercising the jurisdiction granted by the people in Article I of this constitution. Further, the people hereby authorize the tribal business council to delegate to the tribal court such judicial power and authority as may be necessary to realize the jurisdiction granted by the people in Article I of this constitution.

Section 3(a). To present and prosecute any claims or demands of the Three Affiliated Tribes, and to assist the members of the tribes in presenting their claims or grievances before any court or agency of government; and to employ legal counsel, the choice of counsel and fixing of fees to be subject to the approval of the Secretary of the Interior.

Section 3(b). The people of the Three Affiliated Tribes, in order to achieve a responsible and wise administration of this sovereignty delegated by this constitution to the tribal business council, hereby specifically grant to the tribal court the authority to enforce the provisions of the Indian Civil Rights Act, 25 U.S.C. 1301, et seq., including the award of injunctive relief only against the tribal business council if it is determined through an adjudication that the tribal business council has in a specific instance violated that act.

Section 4. Any resolution or ordinance which, by the express requirements of Federal law, is subject to the approval of the Secretary of the Interior, shall be presented to him, and he shall, within ten (10) days thereafter, approve or disapprove the same.

Article VI - Powers, section 5(j), shall be amended to read:

Section 5(j). To protect and preserve the property, wildlife, and natural resources of the tribes; to regulate hunting and fishing on all lands within the jurisdiction of the tribes; and to cultivate and preserve native arts, crafts, culture, ceremonies and traditions.

CERTIFICATE OF RESULTS OF ELECTION

Pursuant to an election authorized by Jerry L. Jaeger, Area Director, Aberdeen, South Dakota, on November 13, 1984, the foregoing Amendment No. VIII to the Constitution and Bylaws of the Three Affiliated Tribes of the Fort Berthold Reservation was submitted for adoption to the qualified voters of the Three Affiliated Tribes and was on March 11, 1985, duly adopted by a vote of 408 for, and 180 against, in an election in which at least thirty percent (30%) of the 1,109 entitled to vote cast their ballots in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984) as amended by the Act of June 15, 1936 (49 Stat. 378)

_____
Chairman, Election Board

_____
Election Board Member

_____
Election Board Member

CERTIFICATE OF APPROVAL

I, John W. Fritz, Deputy Assistant Secretary - Indian Affairs, by virtue of the authority granted to the Secretary of the Interior by the Act of June 18, 1934 (48 Stat. 984), as amended, and delgated to me by 209 D.M. 8 do hereby approve Amendment No. VIII to the Constitution and Bylaws of the Three Affiliated Tribes of the Fort Berthold Reservation.

Deputy Assistant Secretary -
Indian Affairs

Washington, D.C.
Date:
JUN 18 1985

CORPORATE CHARTER
OF THE
THREE AFFILIATED TRIBES
OF THE
FORT BERTHOLD RESERVATION

A FEDERAL CORPORATION CHARTERED UNDER THE ACT OF JUNE 18, 1934

Whereas, the Three Affiliated Tribes of the Fort Berthold Reservation in North Dakota are a recognized Indian tribe organized under a Constitution and By-laws ratified by the Tribe on May 15, 1936, and approved by the Secretary of the Interior on June 29, 1936, pursuant to section 16 of the Act of June 18, 1934, (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378); and

Whereas, more than one-third of the adult members of the Tribe have petitioned that a charter of incorporation be granted to such Tribe, subject to ratification by a vote of the adult Indians living on the Reservation;

Now, therefore, I, Harold L. Ickes, Secretary of the Interior, by virtue of the authority conferred upon me by the said Act of June 18, 1934, (48 Stat. 984), do hereby issue and submit this Charter of Incorporation to the Three Affiliated Tribes of the Fort Berthold Reservation to be effective from and after such time as it may be ratified by a majority vote in an election at which at least 30 percent of the adult Indians living on the Reservation shall vote.

Corporate Existence and Purposes.

1. In order to further the economic development of the Three Affiliated Tribes of the Fort Berthold Reservation in North Dakota by conferring upon the said Tribe certain corporate rights, powers, privileges and immunities; to secure for the members of the Tribe an assured economic independence; and to provide for the proper exercise by the Tribe of various functions heretofore performed by the Department of the Interior, the aforesaid Tribe is hereby chartered as a body politic and corporate of the United States of America, under the corporate name of "The Three Affiliated Tribes of the Fort Berthold Reservation".

Perpetual Succession.

2. The Three Affiliated Tribes of the Fort Berthold Reservation shall, as a Federal Corporation, have perpetual succession.

Membership.

3. The Three Affiliated Tribes shall be a membership corporation. Its members shall consist of all persons now or hereafter members of the Tribe, as provided by its duly ratified and approved Constitution and By-laws.

Management.

4. The Tribal Business Council of the Three Affiliated Tribes established in accordance with the said Constitution and By-laws of the Tribe, shall exercise all the corporate powers hereinafter enumerated.

Corporate Powers.

5. The Tribe, subject to any restrictions contained in the Constitution and laws of the United States, or in the Constitution and By-laws of the said Tribe, shall have the following corporate powers in addition to all powers already conferred or guaranteed by the tribal Constitution and By-laws:

(a) To adopt, use, and alter at its pleasure a corporate seal.

(Section 5(b) changed in its entirety by Amendment No. I, ratified November 27, 1961)

(b) To purchase, take by gift, bequest or otherwise, own, hold, manage, operate and dispose of property of every description, real and personal, subject to the following limitations:

(1) No sale or mortgage may be made by the corporation of any land, interest in land, including water rights, oil, gas, and other mineral rights now or hereafter held by the tribal corporation, unless specifically authorized by law and then only with the consent and approval of the Secretary of the Interior.

(2) No authority is hereby granted to sell, mortgage or lease for a period exceeding that authorized by law any land within the reservation and all leases, permits or other contracts relating to lands within the reservation must be approved by the Secretary of the Interior or his duly authorized representative.

(3) No action shall be taken by or in behalf of the corporation, which conflicts with the regulations authorized by Section 6 of the Act of June 18, 1934, or in any way operates to destroy or injure the tribal grazing land, timber or other natural resources.

(c) To issue interests in corporate property in exchange for restricted Indian lands, the forms for such interests to be approved by the Secretary of the Interior.

(d) To borrow money from any source for any purpose not inconsistent with law, regulations of the Secretary of the Interior, the tribal constitution or this charter: Provided, that any agreement covering a loan to the tribes which involves the pledge or assignment of chattels, future tribal income or other tribal assets as security therefor shall be subject to the approval of the Secretary of the Interior; and provided further, that any contract involving payment of money by the corporation in excess of $50,000 in any one fiscal year shall be subject to the approval of the Secretary of the Interior. (Changed by Amendment No. I, ratified November 27, 1961)

(e) To engage in any business that will further the economic well-being of the members of the Tribe or to undertake any activity of any nature whatever, not inconsistent with law or with any provision of this Charter.

(f) To make and perform contracts and agreements of every description, not inconsistent with law or with any provisions of this Charter, with any person, association, or corporation, with any municipality or any county, or with the United States or the State of North Dakota including agreements with the State of North Dakota for the rendition of public services: Provided, That any contract involving payment of money by the corporation in excess of $50,000.00 in any 1 fiscal year shall be subject to the approval of the Secretary of the Interior or his duly authorized representative. (Changed by Amendment No. I, ratified November 27, 1961)

(g) To pledge or assign chattels or tribal income due or to become due to the Tribe: Provided, That such assignments of tribal income, other than assignments to the United States, shall not extend more than 10 years from the date of execution and shall not exceed $50,000.00 in any one year: And provided further, That any such pledge or assignment shall be subject to the approval of the Secretary of the Interior or his duly authorized representative. (Changed by Amendment No. I, ratified November 27, 1961)

(h) To deposit, to the credit of the Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota, corporate funds, without limitation on the amount in any account, in

any National or State bank whose deposits are insured by any agency of the Federal government: Provided, that funds advanced from the Indian Credit Fund or from funds of the corporation held in trust in the United States Treasury shall be deposited with a bonded disbursing officer of the United States whenever the conditions prescribed by the Secretary of the Interior or his authorized representative, in connection with such advance, require that the advance be so deposited.

(i) To sue and to be sued in courts of competent jurisdiction within the United States; but the grant or exercise of such power to sue and to be sued shall not be deemed a consent by the said Tribe or by the United States to the levy of any judgment, lien or attachment upon the property of the Tribe other than income or chattels specially pledged or signed.

(j) To exercise such further incidental powers, not inconsistent with law, as may be necessary to the conduct of corporate business.

Termination of Supervisory Powers.

6. Upon the request of the Tribal Business Council for the termination of any supervisory power reserved to the Secretary of the Interior under sections 5 (b) (3), 5 (c), 5 (d), 5 (f), 5 (g), 5 (h), and section 8 of this Charter, the Secretary of the Interior, if he shall approve such request, shall thereupon submit the question of such termination for ratification by the Tribe. The termination shall be effective upon ratification by a majority vote at an election in which at least 30 percent of the adult members of the Tribe residing on the reservation shall vote. If at any time after 10 years from the effective date of this Charter such request shall be made, and the Secre-

tary shall disapprove it or fail to approve it within 90 days after its receipt, the question of the termination of any such power may then be submitted by the Secretary of the Interior or by the Tribal Business Council to popular referendum of the adult members of the Tribe actually living within the Reservation and if the termination is approved by two-thirds of the eligible voters, it shall be effective.

Corporate Property.

7. No property rights of the Three Affiliated Tribes, as heretofore constituted, shall be in any way impaired by anything contained in this Charter, and the tribal ownership of unallotted lands, whether or not assigned to the use of any particular individuals, is hereby expressly recognized. The individually owned property of members of the Tribe shall not be subject to any corporate debts or liabilities, without such owners' consent. Any existing lawful debts of the Tribe shall continue in force, except as such debts may be satisfied or cancelled pursuant to law.

Corporate Dividends.

8. The Tribe may issue to each of its members a non-transferable certificate of membership evidencing the equal share of each member in the assets of the Tribe and may distribute per capita, among the recognized members of the Tribe, all profits of corporate enterprise over and above sums necessary to defray corporate obligations and over and above all sums which may be devoted to the establishment of a reserve fund, the construction of public works, the costs of public enterprises, the expenses of tribal government, the needs of charity, or other corporate purpose. No such distribution of profits in any 1 year amounting to more than $10 in any 1 year per capita payment shall be made without the approval of the Secretary of the Interior. No distribution of the financial assets of the Tribe shall be made except as provided herein or as authorized by Congress.

Corporate Accounts.

9. The officers of the Tribe shall maintain accurate and complete public accounts of the financial affairs of the Tribe, which shall clearly show all credits, debts, pledges, and assignments, and shall furnish an annual balance sheet and report of the financial affairs of the Tribe to the Commissioner of Indian Affairs.

Amendments.

10. This charter shall not be revoked or surrendered except by act of Congress, but amendments may be proposed by resolutions of the Council which, if approved by the Secretary of the Interior, shall be effective when ratified by a majority vote of the adult members living on the Reservation at a popular referendum in which at least 30 percent of the eligible voters vote.

Ratification.

11. This charter shall be effective from and after the date of its ratification by a majority vote of the adult members of the Three Affiliated Tribes living on the Fort Berthold Reservation, provided at least 30 percent of the eligible voters shall vote, such ratification to be formally certified by the Superintendent of the Fort Berthold Agency and the Chairman of the Tribal Business Council.

Submitted by the Secretary of the Interior for ratification by the Three Affiliated Tribes of the Fort Berthold Reservation in a popular referendum to be held on April 24, 1937.

HAROLD L. ICKES,
Secretary of the Interior.

(SEAL)

WASHINGTON, D. C., April 1, 1937.

CERTIFICATION

Pursuant to section 17 of the Act of June 18, 1934 (48 Stat. 984), this charter, issued on April 1, 1937, by the Secretary of the Interior to the Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota, was duly submitted for ratification to the adult Indians living on the reservation and was on April 24, 1937, duly ratified by a vote of 407 for, and 118 against, in an election in which over thirty per cent of those entitled to vote cast their ballots.

ARTHUR MANDAN,
Chairman of the Tribal Business Council.

W. R. BEYER,
Superintendent in charge of the reservation.

CONSTITUTION AND BYLAWS

OF THE

THREE AFFILIATED TRIBES

OF THE

FORT BERTHOLD RESERVATION

NORTH DAKOTA

APPROVED JUNE 29, 1936

AMENDMENT NO. I, APPROVED OCTOBER 16, 1956

AMENDMENT NO. II, APPROVED DECEMBER 22, 1961

AMENDMENT NO. III, APPROVED SEPTEMBER 10, 1974

United States Department of the Interior
BUREAU OF INDIAN AFFAIRS
FORT BERTHOLD AGENCY
P.O. BOX [illegible]
NEW TOWN, NORTH DAKOTA [illegible]

[illegible] TO:

[illegible]

CERTIFICATE OF RESULTS OF ELECTION

[illegible] A

[illegible] to an election authorized by the Secretary of the Interior on [illegible] 3, 1975, the attached Constitution and Bylaws, or amendment, of the Three Affiliated Tribes was submitted to the qualified voters of the Tribe and was on November 10, 1975, duly adopted by a vote of [illegible] for and [illegible] against, in an election in which at least 30 per cent of the [illegible] entitled to [illegible] their ballot in accordance with Section [illegible] of the [illegible] Act of June 15, 1935 ([illegible]).

[illegible] 11-19-75
[illegible] A. Baker, Chairman

[illegible] 11-19-75
[illegible], Secretary

[illegible] 11-19-75
[illegible] Hall, Board Member

United States Department of the Interior
BUREAU OF INDIAN AFFAIRS
[illegible]
[illegible]
[illegible]

IN REPLY REFER TO:

[illegible] FORM OF RESULTS OF ELECTION [illegible]

[illegible] B

Pursuant to an election authorized by the Secretary of the Interior on September 3, 1975, the attached Constitution and Bylaws, by amendment, of the Three Affiliated Tribes was submitted to the qualified voters of the Tribe and was on November 19, 1975, duly adopted by a vote of 236 [illegible] and 237 against, in an election in which at least 30 per cent of the 1,[illegible] members entitled to vote cast their ballot in accordance with Section 16 of the Indian Reorganization Act of June 15, 1935 (49 Stat. [illegible]).

[illegible] 11-10-75
[illegible], Chairman

[illegible] 11-10-75
[illegible], Secretary

[illegible] 11-10-75
[illegible], Board Member

Tribal Operations

Feb-18, 1971

Memorandum

To: Superintendent, Fort Berthold Agency

From: Area Tribal Operations Officer

Subject: Changing reservation segment boundaries

Your letter of January 29, 1971, makes inquiry concerning the changing of reservation segment boundaries as a result of a recent federal court decision that expanded the reservation boundaries.

Article III, Section 4, of the Constitution and Bylaws of the Three Affiliated Tribes states:

> The Tribal Business Council shall have the authority to change the segment boundaries, subject to the approval of the voters of the reservation at any regular or special election.

According to your memorandum of January 29, this was accomplished on September 1, 1970.

In our opinion, the change in segment boundaries does not require any further approval and if an appropriate date is required in connection with the change, we suggest September 1, 1970, the date of the referendum.

S/HOWARD E. EUNEAU

Area Tribal Operations Officer

TrOps:HEEuneau:edh:2/18/71

Subject
Chrony

cc. C.K.W.

S.45

Ltr. mailed P.O. P.M. by C.K.W. - Blue Envelope. To be opened by Supt. Only.
[illegible] John Danks [illegible] [illegible] [illegible] [illegible]

United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
FORT BERTHOLD AGENCY
NEW TOWN, NORTH DAKOTA 58763

IN REPLY REFER TO:

January 29, 1971

Memorandum

To: Area Director
Attn: Tribal Operations
From: Superintendent, Fort Berthold Agency

Subject: Interpretation of Tribal Court Decision. (See ballot attached)

Article III, Sec. 4 of the constitution provides for the manner and authority for changing reservation segment boundaries.

The question has arisen from tribal members as to whether the Secretary of the Interior must call the election or referendum for segment changes and if such a change must be approved by the Secretary. They also wish to know if such a change would be prior to the Federal Court decision of January 26, 1971, or as of March 13, 1970, the date of the solicitor's opinion regarding the boundary.

A referendum was held September 1, 1970, and approved by the voters. The effective date of a segment change may be one of the following dates:

1. March 13, 1970, Date of Solicitor's opinion
2. September 1, 1970, Date of referendum expanding segment lines.
3. January 26, 1971, Federal Court decision on the boundary litigation.

An opinion from the Washington Office is requested by the group concerned. Your assistance in this matter is appreciated.

Superintendent

RE-DISTRICTING THE REDEFINED BOUNDARY

On March 13, 1970, the Interior Department announced that a large tract of land in the North and East has always been a part of the Reservation. Our Tribal Constitution, therefore, needs changing, in order to determine how that land will be divided into segments for voting purposes.

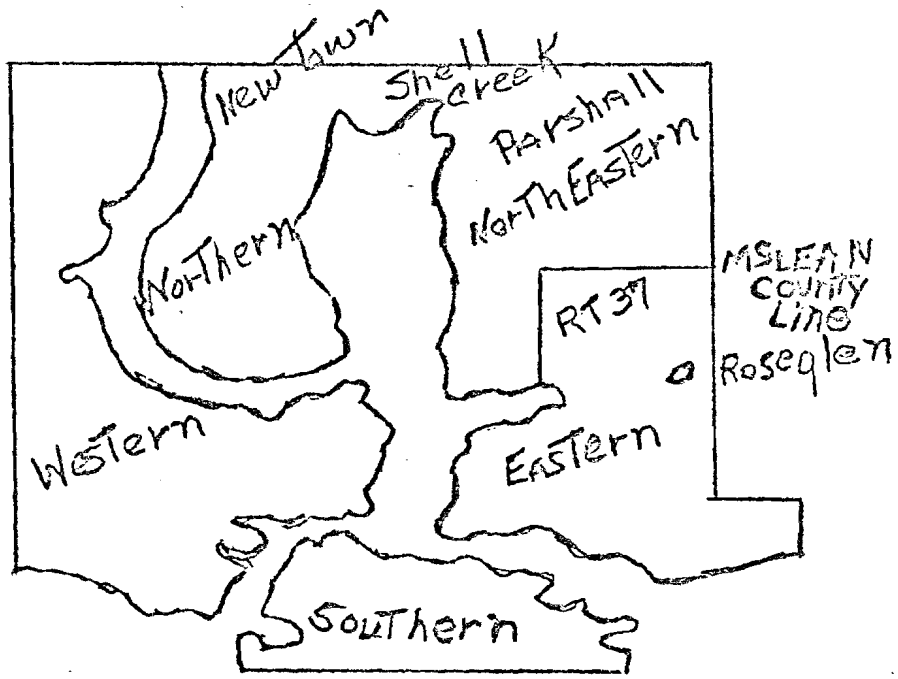
The Tribal Council proposes the following plan:

New Town and surrounding area will become part of a larger North Segment.

Parshall and surrounding area will become part of a larger Northeast Segment.

Roseglen and surrounding area will become part of a larger Eastern Segment.

The Segments would then look like this.



THE PEOPLE HAVE THE FINAL SAY. DO YOU APPROVE OR DISAPPROVE OF THIS PLAN.

DO YOU APPROVE OF THIS PLAN. . . . . ( )

DO YOU DISAPPROVE OF THIS PLAN . . . . . ( )

Place a check mark or X in the above plan you desire.

Administration

UNITED STATES
DEPARTMENT OF THE INTERIOR

BUREAU OF INDIAN AFFAIRS

FORT BERTHOLD AGENCY
NEW TOWN, NORTH DAKOTA 58763

July 27, 1970

Hugh 7/28
8/27

Memorandum

To: Area Director, Aberdeen Area
Attention: Tribal Operations

From: Superintendent, Fort Berthold Agency

Subject: Three Affiliated Tribes Resolution No. 70-89

The attached resolution bears the same number as the previous resolution defining the boundaries of the segments of the Fort Berthold Reservation. The redefinition became necessary when it was learned that portions of Lake Sakakawea had been omitted and other irregularities in the previous description were noted.

The previous resolution bearing this number should be destroyed.

Superintendent

Attachment

Constitution File
cc: Three Affiliated Tribes

Extra Copy

RESOLUTION OF THE GOVERNING BODY
OF THE THREE AFFILIATED TRIBES
OF THE FORT BERTHOLD RESERVATION

WHEREAS, This Corporation is an Indian Chartered Corporation as defined by the Indian Reorganization Act of June 18, 1934 and authority is granted under this Act and

WHEREAS, by the Bureau of Indian Affair's Solicitor's Opinion of March 13, 1970, there has been a boundary redefinition which has returned a large area of land back to the jurisdiction of the Fort Berthold Reservation and

WHEREAS, this body of land is presently excluded from the political composition of the Reservation since the Tribal Constitution does not declare the aforementioned area as part of the Reservation and

WHEREAS, it is the opinion of this Council that the aforementioned area should be incorporated into the Reservation and the Tribal Constitution with all deliberate speed in order to insure the residents of that area that they will be represented on the Council to be elected this fall and

WHEREAS, this Council has laboriously studied the issue, and goes on record as supporting the plan for districting the aforementioned land, as laid forth below.

NOW THEREFORE BE IT RESOLVED, that the Tribal Business Council of the Three Affiliated Tribes, proposes the following change to the Tribal Constitution, Article III, Section 4, which reflects the districting of the aforementioned land:

Section 4. The boundaries of the segments shall be described as follows:

Western: That part of the Reservation starting at a point at the junction of the western boundary of the Reservation with the 48th parallel of north latitude, thence east along the 48th parallel to the thread of the Missouri River channel, thence southerly eand easterly along the thread of the Missouri River, to the juncture of the thread of the Little Missouri, thence westerly following the thread of the Little Missouri to its juncture with the western boundary line of the Reservation, thence northerly along that line to the point of beginning.

Northern: That part of the Reservation starting at a point at the junction of the thread of the stream of the Missouri River with the 48th parallel of north latitude, thence southward along the thread of the Missouri River to the thread of the Van Hook Arm, thence northward along the thread of the Van Hook Arm to the thread of Shell Creek, thence northeasterly along the thread of Shell Creek to its junction with the 48th parallel, thence due ~~east~~ West along the 48th parallel to the point of beginning.

Northeastern: That part of the Reservation starting at a point at the junction of the thread of the stream of Shell Creek with the 48th parallel, thence southward along the thread of Shell Creek to the thread of the Van Hook Arm, thence southward on the thread of the Van Hook Arm to the thread of

the Missouri River, then southward on the thread of the Missouri River to the thread of Deep Water Bay, thence easterly in a line to a point approximately 1 1/2 miles due south of North Dakota Highway Route 37, thence due north to that road and continuing along that highway route to a point intersecting the McLean-Mountrail County line, thence easterly on that line to its juncture with the line that divides ranges 87 and 88West, thence north on that line to a point at the juncture of the 48th parallel, thence westerly on that parallel to the point of beginning.

Eastern: That part of the Reservation starting at a point approximately 1 1/2 miles dues south of North Dakota Route 37, thence westerly to the thread of the Deep Water Bay, thence along that thread to its juncture with the thread of the Missouri River. thence southerly and westerly along the thread of the Missouri to the extreme southeasterly corner of the Reservation boundary, thence north approximately two miles, thence due west to the line that divides Ranges 87 and 88 West, thence north on that line to its juncture with the McLean--Mountrail County line, thence west on that county line to its juncture with Route 37, thence southerly along Route 37 to a point where it curves sharply to the west, thence due south from that point until the point of beginning.

Southern: That part of the Reservation starting at a point at the confluence of the Missouri and Little Missouri Rivers, thence southwesterly along the stream of the Little Missouri to the southern-most border of the Reservation, thence eastward along that border to a point on that line one mile beyond Beaver Creek Bay, thence in a northeasterly direction to the thread of the stream of the Missouri River, thence northwesterly along that stream to the point of beginning.

C E R T I F I C A T I O N

I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Reservation, hereby certify that the Tribal Business Council is composed of ten members of whom seven constituting a quorum were present at a special meeting, thereof duly called, noticed, convened and held on the 22nd day of June 1970: that the foregoing Resolution was duly adopted at such meeting by the affirmative vote of 8 members, 0 members opposed, 0 abstentions, 7 passed and that the said Resolution has not been rescinded or amended in any way. Chairman not voting.

Dated this 22 day of July, 1970

resolution changes made and amended

Ralph Wells Jr.

Ralph Wells, Jr., Secretary
Tribal Business Council
Three Affiliated Tribes

ATTEST:

Vincent Malnourie

V .ent Malnourie, Tribal Council
Chairman

RESOLUTION OF THE GOVERNING BODY OF THE THREE AFFILIATED TRIBES OF THE FORT BERTHOLD RESERVATION

WHEREAS, This Corporation is an Indian Chartered Corporation as defined by the Indian Reorganization Act of June 18, 1934; and authority is granted under said Act; and

WHEREAS, The Constitution and By Laws of the Three Affiliated Tribes authorizes the Tribal Business Council to engage in business enterprises for the welfare and benefit of the tribe and tribal members; and

WHEREAS, In Article III, Section 5 provides that within three (3) days after the installation of the successful candidates for council positions elected at the general election, the newly constituted Tribal Business Council shall meet and organize by electing a vice-chairman, a secretary, and a treasurer from its own members; and from within or outside its own members, it may elect or appoint a sargeant-at-arms and such other officers and committees as it may find necessary; and

WHEREAS, Article I - Duties of Officers, are defined in Section 1 for the chairperson and vice chairperson, Section 2 for the secretary, and Section 3 for the treasurer of the Tribal Business Council; and

WHEREAS, Article VI, Powers, Section 5 states that the Tribal Business Council shall have the following powers, the exercise of which shall be subject to popular referendum as hereinafter provided in this Constitution, (L) to adopt resolutions regulating the procedure of the Tribal Business Council and other tribal agencies and tribal officials of the Reservation.

NOW THEREFORE BE IT RESOLVED, that the following shall be known as the Procedure for Election of an Executive Officer - Part A. Part B - Procedure for Re-election of an Executive Officer.

PROCEDURE FOR RE-ELECTION OR REMOVAL FROM AN EXECUTIVE POSITION OR OFFICE

The Tribal Business Council may remove or re-elect from office any executive officer, those being the Vice-Chairperson; Secretary or Treasurer by a simple majority vote in the following manner:

1. If any member of the Council puts fort a motion at a regular meeting or special meeting that due notice has been give, that any officer should be removed from their executive office, and such motion carries by a majority of the quorum present, a hearing shall be scheduled.

2. This hearing shall be a special meeting of the Tribal Business Council and notice must be given to all members. The officer to be charged with removal may be given the reasons for the removal at the hearing or before the hearing. The person so charged with removal from office may defend or may not defend themselves.

3. At the Special Meeting, the charges against the officer shall be read, and statements given by any interested party as to why the officer should be removed from their position as a officer. Removal as an officer of the Tribal Business Council, is not removal from the Tribal Council.

4. The person so charged may appear or may choose not to appear, if notice is given to the person charged and they choose not to attend the meeting, then the removal may proceed without their presence.

5. If the person charged appears, they may have the chance to explain or defend their actions and have persons interested give statements.

6 After the statements are finished, the Tribal Council if a quorum is present, shall proceed to vote on the removal. A simple majority of those present shall remove the person from office.

REASONS FOR REMOVAL FROM AN EXECUTIVE OFFICE

The following constitutes grounds for removing an elected executive officer from his office within the Tribal Business Council:

1. Failure to carry out the duties as defined in the Constitution and these regulations:

2. Failure to obtain bonding or the loss of bonding while in office;

3. Failure to perform duties within a reasonable length of time. Examples of this: If the Treasurer fails to provide a report that is required by the end of each month; or if the Secretary fails to provide the minutes of meetings within the required five days; or if the Vice-chairman fails to sign the certificates, resolutions or other papers within a reasonable time.

PROCEDURES FOR RE-ELECTION OF THE EMPTY EXECUTIVE OFFICE

If any officer is removed from office, then there must be an election within the Council of a council member to fill the vacant office. Such an election to the vacant office can be held immediately after removal, or at a later meeting. Notice of the meeting shall be given to all council members. Election shall be by a simple majority present, if a quorum is present. Those elected officers shall hold office until their council term expires or until removed from office under these rules.

C E R T I F I C A T I O N

I, the undersigned, as Secretary of the Tribal Business Council of the the Three Affiliated Tribes of the Fort Berthold Reservation hereby certify that the Tribal Business Council is composed of eleven (11) members of whom 7 constituting a quorum were present at a General meeting, thereof duly called, noticed, convened and held on the 14 day of August, 1975; that the foregoing Resolution was duly adopted at such meeting by the affirmative vote of 6 members, 0 members opposed, 0 abstentions, X passed, and that the said Resolution has not been rescinded or amended in any way.

Chairperson Not voting.

Dated this 14th day of August, 1975.

Myra Snow
acting Secretary, Tribal Business Council

ATTEST:

Wayne Lackiness
Chairperson, Tribal Business Council